S.B.CIVIL WRIT PETITION NO.1201/2004

Parasmal Kumawat
V.
State of Rajasthan & Ors.

Date of Order :: 11th May, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. B.L.Tiwari, Dy.Govt.Advocate.

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The petitioner was officiating as Sarpanch of Gram Panchayat, Bagolia due to suspension of Shri Bhanwarlal Kumawat, Sarpanch of Gram Panchayat concerned. The State Government by order dated 26.2.2004 ordered to reinstate Shri Bhanwarlal Kumawat as Sarpanch pending inquiry. Accordingly a direction was given to the petitioner to hand over charge pertaining to office of Sarpanch. Being aggrieved by the order referred above dated 26.2.2004 the instant petition for writ is preferred.

The petitioner was never elected as Sarpanch and he was simply officiating as Sarpanch due to suspension of elected Sarpanch Shri Bhanwarlal Kumawat. It is well within the discretion of the State Government to revoke suspension of an elected representative and the State Government by exercising its discretion passed the order dated 26.2.2004 revoking suspension of Shri Bhanwarlal Kumawat . The petitioner cannot make any grievance with regard to revocation of suspension of a Sarpanch merely to officiate as Sarpanch.

In view of it I do not find any force in the challenge given by the petitioner to the order dated 26.2.2004. It is also pertinent to note that the term of the petitioner as Up-Sarpanch and the term of Shri Bhanwarlal Kumawat to hold the office of Sarpanch has also been expired. In view of this fact also no relief as claimed by the petitioner can be given.

Consequently, the writ petition has become infructuous and, therefore, the same is dismissed.

(GOVIND MATHUR),J.

kkm/ps.